

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO.: 4207-02  
BILL NO.: HB 1976  
SUBJECT: Amends Disqualification Lists for Employees of Care Workers  
TYPE: Original  
DATE: February 25, 2000

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**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON STATE FUNDS</b>                  |                            |                            |                            |
|---|----------------------------|----------------------------|----------------------------|
| <b>FUND AFFECTED</b>  | <b>FY 2001</b>             | <b>FY 2002</b>             | <b>FY 2003</b>             |
| Criminal Record System                                      | Less than \$100,000        | Less than \$100,000        | Less than \$100,000        |
|   |                            |                            |                            |
| <b>Total Estimated Net Effect on <u>All</u> State Funds</b> | <b>Less than \$100,000</b> | <b>Less than \$100,000</b> | <b>Less than \$100,000</b> |

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2001</b> | <b>FY 2002</b> | <b>FY 2003</b> |
| None  |                |                |                |
|   |                |                |                |
| <b>Total Estimated Net Effect on <u>All</u> Federal Funds</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                |                |                |
|--|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2001</b> | <b>FY 2002</b> | <b>FY 2003</b> |
| <b>Local Government</b>                    | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Social Services** assume that this proposal will not fiscally affect their agency.

Officials from the **Department of Mental Health** stated they are currently maintaining a registry of disqualified employees and providing information, upon request, to providers. Additional work created by the broadened criteria for inclusion in the disqualification's list would be absorbed by existing staff.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume this proposal will not fiscally affect their agency.

**Oversight** notes the proposal requires facilities and day programs to request criminal background checks from the MHP for new employees. Oversight assumes the criminal background checks will generate fee revenue for the MHP. Oversight assumes the background checks will be name only (versus fingerprint checks) in which the MHP charges \$5 for each name checked against their records. Oversight cannot predict the number of employees that will need to be checked, but it is assumed the number of background checks will not generate revenue exceeding \$100,000 per year. The background check fee revenue is to be deposited into the Criminal Record System Fund. Oversight further assumes the MHP can perform these additional background checks with existing staff resources.

| <u>FISCAL IMPACT - State Government</u>                                    | FY 2001<br>(10 Mo.)                   | FY 2002                               | FY 2003                               |
|--|---------------------------------------|---------------------------------------|---------------------------------------|
| <b>CRIMINAL RECORD SYSTEM<br/>FUND</b>                                     |                                       |                                       |                                       |
| <u>Revenue - Department of Public Safety -<br/>Missouri Highway Patrol</u> | Less than                             | Less than                             | Less than                             |
| Background Check Fees  | <u>\$100,000</u>                      | <u>\$100,000</u>                      | <u>\$100,000</u>                      |
| <b>ESTIMATED EFFECT ON<br/>CRIMINAL RECORD<br/>SYSTEM FUND</b>             | <b>Less than<br/><u>\$100,000</u></b> | <b>Less than<br/><u>\$100,000</u></b> | <b>Less than<br/><u>\$100,000</u></b> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2001<br>(10 Mo.) | FY 2002 | FY 2003 |
|---|---------------------|---------|---------|
|   | \$0                 | \$0     | \$0     |

FISCAL IMPACT - Small Business

Small businesses operating as facilities or day programs for clients of the Department of Mental Health would be required to obtain criminal background checks from the Department of Public Safety - Missouri Highway Patrol for new employees. The fiscal impact for each facility or day program is expected to be minimal.

DESCRIPTION

Currently, persons convicted of the crime of patient, resident, or client abuse or neglect or of the crime of furnishing unfit food to patients, residents, or clients are disqualified from employment in any public or private facility or day program operated, licensed, or funded by the Department of Mental Health or in any mental health facility or program in which persons are admitted or civilly detained for psychiatric treatment. This proposal also disqualifies anyone listed on the department's "disqualified registry," anyone listed on the Division of Aging's employee disqualification list (EDL), and anyone who pleads guilty or nolo contendere to, or receives a suspended imposition of sentence (SIS) or suspended execution of sentence (SES) for patient, resident, or client abuse or neglect or for furnishing unfit food to patients, residents, or clients. program, residential facility, or specialized service operated, funded, or licensed by the department or any mental health facility or program in which persons are admitted voluntarily or are civilly detained for psychiatric services.

The proposal expands the disqualification to include persons who plead guilty or nolo contendere to, or who receive an SIS or SES for any of these offenses, and adds as disqualifying offenses the following: incest, pharmacy robbery, causing a catastrophe, burglary, abuse or neglect of a nursing home resident, and failing to report suspected abuse of a patient in a facility or program operated, funded, or licensed by the department.

Current law specifies that the appeal rights provided for persons disqualified from employment with the department do not apply to those persons convicted of certain offenses; the proposal specifies the commission of additional offenses or being listed on the EDL as additional criteria for not authorizing employment disqualification appeal rights.

DESCRIPTION (continued)

The proposal also:

- (1) Requires applicants for any direct care position in any public or private facility, day program, residential facility, or specialized service operated, funded, or licensed by the department to sign a consent form authorizing a criminal records review; to disclose any criminal history, as defined in the proposal; and to disclose any listing on the department's disqualified registry or the EDL;
- (2) Requires facilities and programs to request a criminal background check and to inquire about whether a person is listed on the department's disqualified registry or the EDL within 2 working days of hiring a person for a position involving client or resident contact;
- (3) Requires the department to maintain a disqualified registry, listing anyone finally determined by the department to be disqualified from employment;
- (4) Prohibits anyone listed on the department's disqualified registry from holding any position in any public or private facility or day program operated, licensed, or funded by the department or in any mental health facility or program in which persons are admitted or civilly detained for psychiatric services; and
- (5) Removes from the definition of "provider" in the statutes pertaining to protective services for adults administered by the Department of Social Services the reference to facilities, day programs, or services operated, funded, or licensed by the department.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety - Missouri Highway Patrol  
Department of Social Services  
Department of Mental Health



Jeanne Jarrett, CPA  
Director  
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